

US EPA RECORDS CENTER REGION 5



466074

October 12, 2001

VIA FACSIMILE AND REGULAR MAIL

Thomas C. Nash
C-14J
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

**Re: Chemical Recovery Systems Superfund Site, Elyria, Ohio—Barr, Inc.'s Comments
on TechLaw's Proposed Technical Approach for Waste-In List/Volumetric Ranking**

Dear Mr. Nash:

Barr, Inc. appreciates the opportunity to comment upon the technical approach proposed by TechLaw with respect to compilation of a waste-in list/volumetric ranking for the CRS Superfund Site provided to us under your cover letter of September 28, 2001. Although Barr believes that it clearly is a *de minimis* party, its comments on TechLaw's proposed technical approach are as follows:

1. *Extrapolated Calculations of Accounts Receivable.* TechLaw intends to "assign proxy values" for dollar transactions in available CRS accounts receivable (AR) records in order to "account for data gaps," based upon a "statistical sample of matched entries between the DI and AR for various PRPs." This extrapolation appears to be somewhat speculative, and carries the risk of overstating the volume of waste from a generator due to possible misinterpretation of the generator's AR entries. Accordingly, Barr objects to this intended extrapolation based upon the limited information provided.

2. *Additional Adjustments.* TechLaw indicates that "additional adjustments" are to be made to its extrapolations of Site records. However, the nature and precise purpose of such additional adjustments are not specified. Consequently, Barr objects to these additional adjustments due to their lack of specificity.

3. *Use of Other Available Information.* TechLaw's proposed technical approach states that "other available information" will be used to supplement the volumetric share calculations. This information includes, but is not limited to, "witness statements, affidavits and miscellaneous site files".

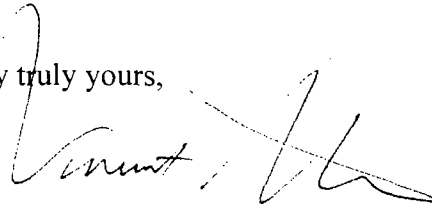
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Barr believes that all information relating to its potential waste-in volume and volumetric ranking should be specified with particularity and disclosed to it in advance. Some time ago, I requested any witness statements that EPA may have relating to Barr. Not having received a response, I assume that none of this "other available information" pertains to Barr. Nonetheless, Barr must object to TechLaw's reliance upon or use of any such unspecified information which has not been provided to Barr in advance for scrutiny on the grounds that Barr has no assurance of such information's authenticity, reliability or accuracy.

Please note that Barr reserves the right to raise additional comments or objections regarding TechLaw's proposed or actual technical approach, or any resultant waste-in list, volumetric ranking or non-binding allocation of responsibility, in light of additional information.

Thank you for your consideration of these comments. Should you have any questions regarding these comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Vincent Atriano", with a stylized flourish extending to the right.

Vincent Atriano